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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

AMERIPRIDE SERVICES INC., a
Delaware corporation,

Plaintiff,

vs.

VALLEY INDUSTRIAL SERVICES, INC.,
a former California Corporation, et al.

Defendants.

Case No. CIV. 2-00-113 MCE-DB

**STIPULATION AND ORDER TO AMEND
JOINT PRETRIAL STATEMENT**

Trial Date: October 17, 2016
Complaint Filed: January 20, 2000

AND CONSOLIDATED ACTION AND
CROSS AND COUNTER-CLAIMS.

Plaintiff AMERIPRIDE SERVICES INC. (“AmeriPride”) and Defendant TEXAS EASTERN OVERSEAS, INC. (“TEO”), by and through their respective counsel, stipulate to amend their Exhibit Lists, as follows:

RECITALS

1. On July 26, 2016 AmeriPride and TEO filed their Joint Pretrial Statement. ECF No. 1050.

2. Pursuant to the requirements of the Court’s Pretrial Scheduling Order, ECF No. 988, the Joint Pretrial Statement includes AmeriPride’s list of exhibits AmeriPride expects to offer, if necessary, at trial, and TEO’s list of exhibits TEO expects to offer at trial. ECF No. 1050 at 78-94 and 104-191.

3. Since filing the Joint Pretrial Statement, AmeriPride and TEO have met and conferred in order to reduce the number of potential exhibits that may be offered at trial.

4. The Parties agree that reducing the number of potential exhibits that may be offered at trial will streamline the presentation of evidence at trial, and allow for a more efficient trial.

5. The Parties respectfully request the Court to allow AmeriPride and TEO each to replace the exhibit lists filed with the Joint Pretrial Statement with the amended exhibit lists attached hereto as Attachment 1 and Attachment 2.

6. Pursuant to the requirements of the Court’s Pretrial Scheduling Order, ECF No. 988, the Joint Pretrial Statement includes undisputed and disputed facts identified as relevant by the Parties. ECF No. 1050 at 12-26 (Undisputed Facts) and 27-44 (Disputed Facts).

7. After meeting and conferring, the Parties agree that Undisputed Fact No. 143 should be revised in the Final Pretrial Order as follows:

- a. “The January 19, 2015 Map prepared by Burns & McDonnell, bearing bates stamp number AM061842, as annotated by TEO’s expert Gary Hokkanen, and entered as Exhibit 95 to his January 20, 2016 deposition is an accurate representation of the locations of buildings, water supply

1 wells, monitoring wells, remediation wells, other samplings, and other
2 relevant structures or locations. Deposition Exhibit 95 is attached hereto
3 as Appendix 4.”

4 8. After meeting and conferring, the Parties agree that certain Disputed Facts
5 are not genuinely in dispute, and should be listed as Undisputed Facts as follows:

6 a. Disputed Facts Nos. 2, 7-13, 54, 84, and 90 are not genuinely in dispute.

7 9. Good cause exists for the Court to grant the Parties’ request because it will
8 (1) facilitate a more efficient trial; (2) encourage efficient pre-trial activities between the
9 Parties; (3) will not prejudice the Parties or the Court and will not delay the case; and, (4)
10 will not alter or affect the Parties’ compliance with any other requirements in the Court’s
11 Pretrial Scheduling Order, ECF No. 988.

12 **STIPULATION**

13 Based on the foregoing, the Parties stipulate as follows:

14 1. AmeriPride respectfully requests the Court replace the exhibit list filed with
15 the Joint Pretrial Statement at ECF No. 1050 at 78-94 with the exhibit list attached hereto
16 as Attachment 1.

17 2. TEO respectfully requests the Court replace the exhibit list filed with the Joint
18 Pretrial Statement at ECF No. 1050 at 104-191 with the exhibit list attached hereto as
19 Attachment 2.

20 3. The Parties respectfully request the Court include the exhibit lists attached
21 hereto as Attachment 1 and Attachment 2 as part of the Court’s Final Pretrial Order in lieu
22 of the exhibit lists filed on July 25, 2016 with the Joint Pretrial Statement.

23 4. The Parties respectfully request the Court revise Undisputed Fact No. 143 in
24 the Final Pretrial Order to read as follows: “The January 19, 2015 Map prepared by Burns
25 & McDonnell, bearing bates stamp number AM061842, as annotated by TEO’s expert
26 Gary Hokkanen, and entered as Exhibit 95 to his January 20, 2016 deposition is an
27 accurate representation of the locations of buildings, water supply wells, monitoring wells,
28 remediation wells, other samplings, and other relevant structures or locations. Deposition

Exhibit 95 is attached hereto as Appendix 4.”

5. The Parties respectfully request the Court include in the list of Undisputed Facts to be set forth in the Final Pretrial Order the facts currently set forth in the Joint Pretrial Statement as Disputed Facts No. 2, 7-13, 54, 84, and 90.

Date: August 23, 2016

BASSI, EDLIN, HUIE & BLUM LLP

By: /s/ Fred M. Blum
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Attorneys for Defendant
TEXAS EASTERN OVERSEAS, INC.

Date: August 23, 2016

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1 Date: August 23, 2016

PERKINS MANN & EVERETT, APC

2
3 By: /s/ Lee N. Smith

4 LEE N. SMITH

5 Attorneys for Plaintiffs

6 AMERIPRIDE SERVICES INC.

7 **ORDER**

8 Good cause appearing, the foregoing stipulation is hereby GRANTED. The Court's
9 forthcoming Final Pretrial Order will reflect the parties' stipulation.

10 IT IS SO ORDERED.

11 Dated: August 25, 2016

12 
13 MORRISON C. ENGLAND, JR.
14 UNITED STATES DISTRICT JUDGE